

AMENDED IN ASSEMBLY AUGUST 16, 2002

AMENDED IN ASSEMBLY JUNE 12, 2002

AMENDED IN SENATE MAY 1, 2002

AMENDED IN SENATE APRIL 18, 2002

SENATE BILL

No. 1357

Introduced by Senator Vincent

February 6, 2002

An act to amend Section 597l of the Penal Code, relating to pet shops.

LEGISLATIVE COUNSEL'S DIGEST

SB 1357, as amended, Vincent. Pet shops.

Under existing law, a pet shop operator must carry out specified duties with respect to the care, sale, trade, and adoption of pet animals. A pet shop operator's failure to carry out these duties is punishable by a fine of not to exceed \$1,000, or by imprisonment in the county jail for not more than 90 days, or by both the fine and imprisonment.

This bill would require private or public retail sellers of pet animals to provide buyers with written recommendations for the ~~appropriate~~ *generally accepted* care of the class of pet animal sold. It would specify that sellers shall not be liable for damages caused by erroneous information in material provided by 3rd parties unless sellers fail to exercise ordinary care. This bill would also provide that charges brought against a seller of pet animals who violates these provisions may be dismissed if proof of compliance is shown, as specified. This bill would provide that second or subsequent violations shall be infractions punishable by a fine. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597l of the Penal Code is amended to
2 read:

3 597l. (a) It shall be unlawful for any person who operates a
4 pet shop to fail to do all of the following:

5 (1) Maintain the facilities used for the keeping of pet animals
6 in a sanitary condition.

7 (2) Provide proper heating and ventilation for the facilities
8 used for the keeping of pet animals.

9 (3) Provide adequate nutrition for, and humane care and
10 treatment of, all pet animals under his or her care and control.

11 (4) Take reasonable care to release for sale, trade, or adoption
12 only those pet animals that are free of disease or injuries.

13 (5) Provide adequate space appropriate to the size, weight and
14 specie of pet animals.

15 (b) (1) Sellers of pet animals shall provide buyers of a pet
16 animal with general written recommendations for the ~~appropriate~~
17 *generally accepted* care of the class of pet animal sold including
18 recommendations as to the housing, equipment, cleaning,
19 environment, and feeding of the animal. This written information
20 shall be in a form determined by the sellers of pet animals and may
21 include references to Web sites, books, pamphlets, videos, and
22 compact discs.

23 (2) If a seller of pet animals distributes material prepared by a
24 third party, the seller shall not be liable for damages caused by any
25 erroneous information in that material unless a reasonable person
26 exercising ordinary care should have known of the error causing
27 the damage.

28 (3) This subdivision shall apply to any private or public retail
29 business that sells pet animals to the public and is required to



1 possess a permit pursuant to Section 6066 of the Revenue and
2 Taxation Code.

3 (4) Charges brought against a seller of pet animals for a first
4 violation of the provisions of this subdivision shall be dismissed
5 if the person charged produces in court satisfactory proof of
6 compliance. A second or subsequent violation is an infraction
7 punishable by a fine not to exceed two hundred fifty dollars
8 (\$250).

9 (c) As used in this section, the following terms have the
10 following meanings:

11 (1) "Pet animals" means dogs, cats, monkeys, and other
12 primates, rabbits, birds, guinea pigs, hamsters, mice, snakes,
13 iguanas, turtles, and any other species of animal sold or retained
14 for the purpose of being kept as a household pet.

15 (2) "Pet shop" means every place or premises where pet
16 animals are kept for the purpose of either wholesale or retail sale.
17 "Pet shop" does not include any place or premises where pet
18 animals are occasionally sold.

19 (d) Any person who violates any provision of subdivision (a)
20 is guilty of a misdemeanor and is punishable by a fine of not to
21 exceed one thousand dollars (\$1,000), or by imprisonment in the
22 county jail for not more than 90 days, or by both that fine and
23 imprisonment.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.